



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, September 12, 2012

7:00 PM

Council Chamber

20120785 Proclamation - Public Power and Clean Water Week

Heidi Isom, BLW Marketing Representative, receives a Proclamation declaring October 7-13, 2012 as Public Power/Clean Water Week in the City of Marietta to focus on the preservation of our water resources.

Presented

* **20120829 Special Meeting - August 6, 2012**

Review and approval of the August 6, 2012 special meeting minutes.

Approved and Finalized

* **20120830 Regular Meeting - August 8, 2012**

Review and approval of the August 8, 2012 regular meeting minutes.

Approved and Finalized

* **20120858 Special Meeting - August 29, 2012**

Review and approval of the August 29, 2012 special meeting minutes.

Approved and Finalized

* **20120760 Historic Preservation Commission Appointment**

Appointment of Alan Levine to the Marietta Historic Preservation Commission (Ward 1), for a three year term expiring September 12, 2015.

Approved and Finalized

* **20120761 Marietta Historic Board of Review**

Appointment of Alan Levine to the Marietta Historic Board of Review (Ward 1), for a two year term expiring September 12, 2014.

Approved and Finalized

* **20120762 Planning Commission Appointment**

Appointment of Jason Allen Waters to the Planning Commission (Ward 2), for a three year term expiring September 12, 2015.

Approved and Finalized

* **20120821 Vision 20/20 Appointment**

Appointment of Randall Heard, Marietta Wine Market, to represent the merchants in the downtown area as defined by approved map.

Approved and Finalized

20120800 Z2012-06 City of Marietta - Bellemeade Farms Road Island Annexation

Z2012-06[REZONING - ISLAND ANNEXATION] City of Marietta requests rezoning from R-15 (15,000 sq. ft.- County) to R-3 (Single Family Residential 3 units/acre - City) for property located in Land Lot 01520, District 17, Parcels 0330 (1451 Bellemeade Farms Road); 0340 (1452 Bellemeade Farms Rd); 0350 (1456 Bellemeade Farms Rd); 0320 (1459 Bellemeade Farms Rd); 0360 (1460 Bellemeade Farms Rd); 0310 (1463 Bellemeade Farms Rd); 0370 (1464 Bellemeade Farms Rd); 0300 (1467 Bellemeade Farms Rd); 0380 (1468 Bellemeade Farms Rd); 0390 (1472 Bellemeade Farms Rd); 0290 (1475 Bellemeade Farms Rd); 0400 (1476 Bellemeade Farms Rd); 0280 (1479 Bellemeade Farms Rd); 0410 (1480 Bellemeade Farms Rd); 0270 (1483 Bellemeade Farms Rd); 0420 (1484 Bellemeade Farms Rd); 0260 (1487 Bellemeade Farms Rd); 0430 (1488 Bellemeade Farms Rd); 0440 (1492 Bellemeade Farms Rd); 0250 (1495 Bellemeade Farms Rd); Land Lot 01530, District 17, Parcels 2440 (1496 Bellemeade Farms Rd); 2450 (1500 Bellemeade Farms Rd); Land Lot 01520, District 17, Parcel 0450 (Bellemeade Farms HOA, Inc.); and all associated right-of-way, 2nd Section, Cobb County, Georgia consisting of a total of 14.56 acres. Ward 3.

Approved and Finalized

20120801 A2012-02 City of Marietta - Bellemeade Farms Road Island Annexation

A2012-02[ANNEXATION- ISLAND ANNEXATION] City of Marietta requests rezoning from R-15 (15,000 sq. ft.- County) to R-3 (Single Family Residential 3 units/acre - City) for property located in Land Lot 01520, District 17, Parcels 0330 (1451 Bellemeade Farms Road); 0340 (1452 Bellemeade Farms Rd); 0350 (1456 Bellemeade Farms Rd); 0320 (1459 Bellemeade Farms Rd);

0360 (1460 Bellemeade Farms Rd); 0310 (1463 Bellemeade Farms Rd); 0370 (1464 Bellemeade Farms Rd); 0300 (1467 Bellemeade Farms Rd); 0380 (1468 Bellemeade Farms Rd); 0390 (1472 Bellemeade Farms Rd); 0290 (1475 Bellemeade Farms Rd); 0400 (1476 Bellemeade Farms Rd); 0280 (1479 Bellemeade Farms Rd); 0410 (1480 Bellemeade Farms Rd); 0270 (1483 Bellemeade Farms Rd); 0420 (1484 Bellemeade Farms Rd); 0260 (1487 Bellemeade Farms Rd); 0430 (1488 Bellemeade Farms Rd); 0440 (1492 Bellemeade Farms Rd); 0250 (1495 Bellemeade Farms Rd); Land Lot 01530, District 17, Parcels 2440 (1496 Bellemeade Farms Rd); 2450 (1500 Bellemeade Farms Rd); Land Lot 01520, District 17, Parcel 0450 (Bellemeade Farms HOA, Inc.); and all associated right-of-way, 2nd Section, Cobb County, Georgia consisting of a total of 14.56 acres. Ward 3.

Approved and Finalized

20120802 CA2012-05 Code Amendment - Bellemeade Farms Island Annexation

CA2012-05[CODE AMENDMENT-ISLAND ANNEXATION] in conjunction with the requested annexation of property located in Land Lot 01520, District 17, Parcels 0330, 0340, 0350, 0320, 0360, 0310, 0370, 0300, 0380, 0390, 0290, 0400, 0280, 0410, 0270, 0420, 0260, 0430, 0440, 0250, 0450; Land Lot 01530, District 17, Parcels 2440 and 2450, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 3.

Approved and Finalized

20120665 Z2012-05 Kolawole Asatola, et al 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road and 1472 Bellemeade Farms Road

Z2012-05 [REZONING] KOLAWOLE ASATOLA, ET AL request rezoning for property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400 and 0390, 2nd Section, Marietta, Cobb County, Georgia and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road and 1472 Bellemeade Farms Road from R-15 (Residential 15,000 sq. ft. - County) to R-3 (Single Family Residential 3 units/acre). Ward 3.

Removed

20120666 A2012-01 Kolawole Asatola et al 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road

A2012-01 [ANNEXATION] Kolawole Asatola et al request annexation for

property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400, and 0390, and being known as 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road, 2nd Section, Cobb County, Georgia consisting of a total of 2.37 acres. Ward 3.

Removed

20120667

CA2012-03 Kolawole Asatola, et al 1492 Bellemeade Farms Road, 1488 Bellemeade Farms Road, 1484 Bellemeade Farms Road, 1480 Bellemeade Farms Road, 1476 Bellemeade Farms Road, 1476 Bellemeade Farms Road, and 1472 Bellemeade Farms Road

CA2012-03[CODE AMENDMENT] in conjunction with the requested annexation of property located in Land Lot 01520, District 17, Parcels 0440, 0430, 0420, 0410, 0400 and 0390, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 3.

Removed

* **20120816**

Denial of a claim

Denial of a claim of William Hudalla.

Approved and Finalized

* **20120793**

Slum and Blight Demolition

Approval of a Resolution using FFY'08 CDBG Slum and Blight Clearance Funds for demolition of 89-91 Hedges.

Approved and Finalized

* **20120794**

Completed Project Funds

Approval of a Resolution to reallocate \$6,765.59 in unspent completed 2008 and 2011 project funds from the Franklin Road Boys and Girls Club and Weed and Seed Program to Marietta's Owner Occupied Housing Rehabilitation Program.

Approved and Finalized

* **20120791**

Real Estate Brokerage Services Selection

Motion to select real estate agent, Dan Buyers with McWhirter Realty Corp. d.b.a. McWhirter Realty Partners, to provide commercial real estate brokerage services to the City of Marietta for specific properties as later designated by Mayor and City Council per the term of the contract.

Council member Goldstein disclosed that he has worked with Mr. Buyers on

potential real estate proposals (purchase or lease) but have not successfully concluded either at this point.

Approved as Amended

* 20120758

Byrne Grant

Approval of an Ordinance amending the fiscal year 2013 General Fund to receive and appropriate a grant from the Department of Justice through the Edward Byrne Memorial Grant Program for \$37,358 to hire a part-time, temporary Police Cyber Specialist for two years.

Approved and Finalized

* 20120776

Donation to the Tree Preservation Fund by DR Horton

Approval of an Ordinance amending the Fiscal Year 2013 Tree Preservation Fund budget to receive and appropriate a donation in the amount of \$6,160.00 from DR Horton.

Approved and Finalized

* 20120787

Memorandum of Agreement

Motion approving a Memorandum of Agreement involving the Marietta Police Department, Cobb County Police Department and the Georgia Department of Public Safety State Patrol to start handling the investigation of traffic crashes between the hours of 6 a.m. through 8:00 p.m. on Interstate 75, including its ramps, where it passes through Marietta and Cobb County.

Approved and Finalized

* 20120803

Vision Statement

Motion to reaffirm the Vision Statement for the City of Marietta.

Approved and Finalized

* 20120814

CA2012-07 Amendment to the Comprehensive Development Code regarding Fences and Walls

CA2012-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 710.04 Fences and Walls.

Approved and Finalized

* 20120738

Atherton Square

Approval of a Resolution to declare Atherton Square, including a portion of Depot Street as shown in Option 1-Modified, a City park, with an effective date of January 1, 2013.

Approved and Finalized*** 20120817 FY 2013 City/BLW Allocation Chart**

Motion to approve amendments to the FY 2013 City/BLW pay and classification plans and position allocation chart in order to make minor revisions.

Approved and Finalized*** 20120781 Group Health Plan Administration**

Motion to approve the renewal for the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2013. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.

Approved and Finalized*** 20120790 Standard Operating Procedures**

Motion to approve revisions to the Marietta Police Department Standard Operating Procedures: A019 Risk Analysis Board, A030 Code of Conduct, A034 Budget & Fiscal Management, A044 Uniforms, Equipment & Department Property, A052 Detention & Housing of Detainees, A060 Evidence & Property Maintenance, A070 Departmental Forms & Reports, A071 Crime Analysis, A085 Promotions, C022 School Resource Officer Program, E035 Critical Response Team, P010 Patrol Operations, P045 Search and Seizure, P046 Legal Process.

Approved and Finalized*** 20120596 Three way stop at Durham and Maxwell**

Motion to install a three-way stop sign at the intersection of Maxwell Avenue and Durham Street.

Approved and Finalized*** 20120807 Comcast Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

1. Comcast project B2053GPC-REV-City for overlash of 84 feet of existing cable along Atlanta Street.

Approved and Finalized*** 20120810 341 Alexander Street gas service**

Motion authorizing Public Works to execute an agreement with the Public Service

Commission regarding Case # PSC 12-04680 with the option selected to send 5 employees to training.

Approved and Finalized

20120142

V2012-12 Michael McDonald - Pavilion Development 2195 Cobb Parkway South

V2012-12 [VARIANCE] MICHAEL MCDONALD (PAVILION DEVELOPMENT) request variance for property located in Land Lot 08050, District 17, Parcel 0160 and being known as 2195 Cobb Parkway South. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75.; Variance to waive the requirement that a general advertising sign be regulated as a principal use; Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign; Variance to reduce the side setback for a general advertising sign support structure from 15' to 11'; Variance to reduce the side setback for a general advertising sign face from 11.25' to 7'; Variance to reduce the front setback for a general advertising sign face from 30' to 17'; Variance to allow a general advertising sign be located on a lot upon which a building and signage is located; Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. Ward 1.

This item was tabled at the March 7, 2012, April 11, 2012, May 9, 2010 and June 13, 2012 City Council Meetings.

Tabled

20120788

V2012-31 MRW Properties 313 Marble Mill Road

V2012-31 [VARIANCE] MRW PROPERTIES request variance for property located in Land Lot 10050, District 16, Parcel 0280 and being known as 313 Marble Mill Road. Variance to waive all tree protection and landscaping requirements; Variance to allow a structure to use metal siding on a façade facing a roadway. Ward 5.

Tabled

20120789

V2012-32 Saint Joseph Catholic Church 558 Saint Joseph Way

V2012-32 [VARIANCE] SAINT JOSEPH CATHOLIC CHURCH request variance for property located in Land Lot 10860, District 16, Parcel 0370 and being known as 558 Saint Joseph Way. Variance to reduce the planted border area, including all required trees, along Saint Joseph Way from 10' to 2'. Ward 4.

Approved and Finalized

20120862

Hwy 41/I-75 Corridor CID

Motion to authorize staff to explore the feasibility of creating a Marietta CID for the Highway 41/I-75 Corridors.

Approved and Finalized

* **20120892 1067 Longwood Drive**

Motion authorizing acquisition of the property at 1067 Longwood Drive from Judith Ann Stegall for the purpose of constructing the Powder Springs Street Multiuse Trail Improvement Project - Bellmeade Drive to Chestnut Hill Road in exchange for \$7,715.00 with stipulations as.

1. City will provide assistance in the application process to the Board of Zoning Appeal to request a variance for up to 9' in height of fencing along my entire property line fronting the project.
2. The City will remove trees and stumps that will be impacted by the construction as determined by the City Arborist. The City will remove trees and stumps that die as a result of construction for a period of 12 months after construction as determined by the City Arborist..
3. Brick entrances will remain in good repair and 4-foot retaining wall on Powder Springs Street will end, before reaching the brick entrance.
4. The one hundred year old oak tree on my property, next to the fence, will receive special attention during construction.

Approved and Finalized

* **20120893 101 S. Marietta Parkway**

Motion authorizing acquisition of the property at 101 S. Marietta Parkway from Meadow Creek, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$750.00.

Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.

Approved and Finalized

* **20120894 334 Roselane Street**

Motion authorizing acquisition of the property at 334 Roselane Street from Glen J. Darby for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$2,700.00.

Approved and Finalized

* **20120895 534 Roselane Street**

Motion authorizing acquisition of the property at 534 Roselane Street from Iglesia Fuente de Amor, Inc. for the purpose of constructing the Kennesaw Mountain to

Chattahoochee River Trail - North & In-town Section in exchange for \$39,700.00. Acquisition amount includes compensation for site Improvements, landscaping and replacement/relocation of existing sign by owner. Any replacement/relocation of signs and/or fences must meet current City Code at time of installation.

Approved and Finalized

* **20120896**

367 Campbell Hill Street

Motion authorizing acquisition of the property at 367 Campbell Hill Street from John M. Patterson for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$6,600.00.

Approved and Finalized

* **20120897**

403 Campbell Hill Street

Motion authorizing acquisition of the property at 403 Campbell Hill Street from John M. Patterson for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$6,200.00, including compensation for existing fence to be removed during construction.

Approved and Finalized

* **20120898**

445 N. Sessions Street

Motion authorizing acquisition of the property at 445 N. Sessions Street from Session Street Loft Condominiums Assoc. for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$1,000.00.

Approved and Finalized

* **20120899**

471 N. Sessions Street

Motion authorizing acquisition of the property at 471 N. Sessions Street from Morgan McNeel Robertson with a Life Estate Reserved in Morgan Louis McNeel, III, Harry Hodgson McNeel and Dorothy McNeel Young for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$76,300.00. Acquisition amount includes compensation for site Improvements, landscaping and replacement/relocation of existing sign by owner. Any replacement/relocation of signs and/or fences must meet current City Code at time of installation.

Approved and Finalized

* **20120831**

BLW Actions of the September 10, 2012

Review and approval of the September 10, 2012 actions and minutes of the Marietta Board of Lights and Water.

Approved and Finalized